

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Dennis M. Vigil, et al.

Group Art Unit: 3763 (Anticipated)

Application No.: Continuation of 09/778,594, filed February 7, 2001

Examiner: Jennifer J. Maynard (Anticipated)

Filed: Herewith

Docket No.: 12013/46103

For: METHOD FOR DELIVERING MEDICATION INTO AN ARTERIAL WALL FOR
PREVENTION OF RESTENOSIS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

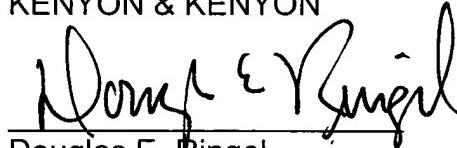
b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

4. Relevance of the non-English language reference(s) is discussed in the present specification.

5. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.
6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.
7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
9. The reference(s) was/were cited by or submitted to the Office in parent application Nos. 09/778,594 filed February 7, 2001 and/or 09/232,392 filed January 15, 1999, which are relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).
10. English-language Abstracts of the non-English language references are attached hereto.
11. Since this application was filed after June 30, 2003, copies of U.S. references are not included.
12. Other.

Respectfully submitted,

KENYON & KENYON


Douglas E. Ringel
Registration No. 34,416

Date: Jan. 22, 2004
Kenyon & Kenyon & Kenyon
1500 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 220-4200
Facsimile: (202) 220-4201

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	Unassigned
		Filing Date	Herewith
		First Named Inventor	Dennis M. Vigil, et al.
		Art Unit	3763 (Anticipated)
		Examiner Name	Jennifer J. Maynard (Anticipated)
Sheet	1	of	4
		Attorney Docket Number	12013/47103

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US- 5,667,764	09/16/97	Kopia et al.	
		US-5,873,811	02/23/99	Wang et al.	
		US- 6,413,203	07/02/02	Sahatjian et al.	
		US- 6,210,392	04/2001	Vigil et al.	
		US- 5,713,863	02/1998	Vigil et al.	
		US- 5,746,716	05/1998	Vigil et al.	
		US- 5,713,860	02/1998	Kaplan et al.	
		US- 5,328,471	07/12/94	Slepian	
		US-6,102,904	08/15/00	Vigil	
		US- 5,772,629	06/1998	Kaplan et al.	
		US- 5,855,563	01/1999	Kaplan et al.	
		US- 5,941,868	08/1999	Kaplan et al.	
		US- 6,280,414 B1	08/2001	Shah et al.	
		US- 4,057,617	11/1977	Abramovici et al.	
		US- 5,459,240	10/1995	Foxwell et al.	
		US- 6,054,114	04/2000	Lansbury, Jr. et al.	
		US- 5,620,687	04/1997	Hart et al.	
		US- 5,858,990	01/1999	Walsh	
		US- 2,816,552	12/17/57	Hoffman	
		US- 3,593,713	07/20/71	Bogoff et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)			
		WO 94/09845	05/11/84		
		JP A-4-282146	10/07/92		
		JP A-6-098938	11/03/93		
		EP 0 783 898 A1	07/1997		
		WO 00/41761 A1	07/20/00		
		GB 1,547,328	06/13/79		
		EP 0 399 712	11/28/90		
		EP 0 567 788	03/11/93		
		WO 94/23787	10/27/94		

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Number - Kind Code ² (if known)			
		US 3,635,223	01/18/72	Klieman	
		US- 3,993,538	11/23/76	Lebowitz et al.	
		US- 4,140,126	02/20/79	Choudhury	
		US- 4,273,128	06/16/81	Lary	
		US- 4,318,400	03/09/82	Peery et al.	
		US- 4,441,509	04/10/84	Kotsifas et al.	
		US- 4,465,072	08/14/84	Taheri	
		US- 4,922,926	05/08/90	Hirschberg	
		US- 5,009,659	04/23/91	Hamlin et al.	
		US- 5,030,201	07/09/91	Palestrant	
		US- 5,070,877	12/10/91	Mohiuddin et al.	
		US- 5,100,425	03/31/92	Fischell et al.	
		US- 5,112,305	05/12/92	Barath et al.	
		US- 5,156,610	10/20/92	Reger	
		US- 5,196,024	03/23/93	Barath	
		US- 5,242,397	09/07/93	Barath et al.	
		US- 5,279,565	01/18/94	Klein et al.	
		US- 5,282,785	02/01/94	Shapland et al.	
		US- 5,286,254	02/15/94	Shapland et al.	
		US- 5,295,962	03/22/94	Crocker et al.	

FOREIGN PATENT DOCUMENTS

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		US- 5,306,250	04/26/94	March et al.	
		US- 5,320,634	06/14/94	Vigil et al.	
		US- 5,322,508	06/21/94	Viera	
		US- 5,336,178	08/09/94	Kaplan et al.	
		US- 5,354,279	10/11/94	Hofling	
		US- 5,364,356	11/15/94	Hofling	
		US- 5,370,614	12/06/94	Amundson et al.	
		US- 5,415,637	05/16/95	Khosravi	
		US- 5,423,851	06/13/95	Samuels	
		US- 5,477,857	12/26/95	McAfee et al.	
		US- 5,571,086	11/05/96	Kaplan et al.	
		US- 5,599,306	02/04/97	Klein et al.	
		US- 5,609,574	03/11/97	Kaplan et al.	
		US- 5,611,767	03/18/97	Williams	
		US- 5,626,830,	05/06/97	Sikorska et al.	
		US- 5,693,029	02/02/97	Leonhardt	
		US- 5,746,716	05/05/98	Vigil et al.	
		US- 5,681,281	10/28/97	Vigil et al.	
		US- 5,873,852	02/23/99	Vigil et al.	
		US-			

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<p>Substitute for form 1449B/PTO</p> <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;"><i>(Use as many sheets as necessary)</i></p>				<i>Complete if Known</i>	
				Application Number	Unassigned
				Filing Date	Herewith
				First Named Inventor	Dennis M. Vigil, et al.
				Art Unit	3763 (Anticipated)
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Sheet	4	of	4	Attorney Docket Number	12013/47103

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/ Applicant's unique station designation number (optional). A applicant is to place a check mark here if English language translation is attached.
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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.